IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Bhanwra Ram & ors. Versus State of Rajasthan.

S.B. Criminal Revision Petition No.1087/2006

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Date of Order: August 02, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Vishal Sharma, for the petitioners.
Mr. V.R. Mehta, Public Prosecutor for the State.
Smt. Deepika Vyas, for the complainant.

BY THE COURT:

By the instant criminal revision petition under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioners have challenged the judgment and order dated 3-11-2006 passed by the Sessions Judge, Merta, district Nagaur (for short,"the Appellate Court" hereinafter) in Criminal Appeal No.22/2005, whereby the appeal filed by the petitioners against the judgment and order dated 22-8-2005 passed by the Additional Chief Judicial Magistrate, Merta (for short, "the trial Court" hereinafter) was partly allowed and while maintaining the conviction recorded by the trial Court against the petitioners, instead of sentencing the petitioners at once to any imprisonment, they were released

on probation under Section 4 (1) of the Probation of Offenders Act, 1958 (for short, "the Act 1958" hereinafter) and also directed to pay a sum of Rs.2500/- each as compensation to be paid to injured persons Ramlal and Tika Ram.

I have heard learned counsel for the parties. Carefully gone through the judgments and orders of both the Courts below, as also the record of the trial Court. I have also gone through the injury reports of injured Tika Ram EX.5, Babu alias Babuda EX.11 and Ramlal EX.8.

From a perusal of the record and close scrutiny of the statements of the witnesses and the medical evidence, in my view, the trial Court was justified in convicting the petitioners for the offences and the Appellate Court was justified in affirming the conviction awarded by the trial Court, however instead of sentencing the petitioners at once to any imprisonment, they were extended the benefit of the Act of 1958. In my view, no case for interference in the revisional jurisdiction is made out. It cannot be said that the impugned judgments and orders of the Courts below suffer from any error, illegality or perversity.

The revision petition is, therefore, dismissed. The application seeking suspension of sentence is also dismissed.

Learned counsel for the petitioners submits that the petitioners may be allowed time to deposit the fine amount before the trial Court within 45 days from today. Let the fine

amount be deposited by the petitioners within 45 days from today.

(H.R. PANWAR), J.

mcs